

H.R. 3887: The William Wilberforce Trafficking in Persons Reauthorization Act of 2007 Comments Reflecting Managers' Amendment

- H.R. 3887 would substantially compromise the Department of Justice’s successful anti-trafficking strategy and its effective implementation.
 - The Department of Justice dedicates significant resources to fighting human trafficking, with very successful results – including a six-fold increase in prosecutions since 2001 and four straight years of record high convictions.
 - DOJ effectively uses all the prosecutorial tools at its disposal to investigate and prosecute human trafficking cases and related criminal conduct – the existing trafficking statutes, the Mann Act (including its prohibition of interstate transport for purposes of prostitution), money laundering statutes, and other relevant federal laws. The bill’s federalization of state crimes is not necessary and would detract from the investigation and prosecution of existing federal crimes.
- H.R. 3887 would dramatically recast DOJ’s highly successful and critically important fight against child exploitation—including the investigation of child pornography and internet based child exploitation crimes—to focus on adult prostitution. Resources would inevitably be diverted away from one of DOJ’s—and the Nation’s—highest priorities.
 - The bill renames the “Child Exploitation and Obscenity Section” the “Sexual Exploitation and Obscenity Section” and makes the section effectively responsible for coordinating and prosecuting all prostitution cases within the United States—whether or not child victims are involved.
 - The bill requires DOJ’s nearly two dozen Innocence Lost child prostitution task forces to expand their efforts to adult prostitution.
 - The bill effectively would turn the FBI and CEOS into a national vice squad, at the expense of their current efforts to identify, rescue, and protect victims of all forms of child exploitation.
- The federal government should not be diverted from its core anti-trafficking mission against crimes involving force, fraud, or coercion and child victims. States are better situated to combat adult prostitution.
 - Current federal anti-trafficking laws focus on crimes in which victims have been exploited through force, fraud, or coercion, or are under 18 years of age. These laws are rooted in the federal government’s authority to enforce the Thirteenth Amendment’s prohibition against involuntary servitude.
 - H.R. 3887 would make all pimping, pandering, and other prostitution-related offenses federal crimes. This would equate every instance of adult prostitution with the worst forms of labor and sexual exploitation, the ones often called “modern-day slavery.”

- Pimping, pandering, and other prostitution-related offenses are reprehensible crimes. But, along with other serious crimes, they have always been prosecuted at the state or local level unless some federal interest was present.
- State and local law enforcement are often best situated to detect and respond effectively to locally-based commercial sex crimes. Indeed, the nation's more than 3000 local district attorneys and 17,000 local police departments affect 100,000 prostitution arrests annually. Nothing suggests that federal intervention is necessary or would be more effective.
- H.R. 3887 authorizes federal victims of crime funds to be provided to prostitutes – even those complicit in violations of federal or state law. This would divert funds from victims and would interfere in state prosecutions to the detriment of effective law enforcement by the states and federal-state law enforcement cooperation.
- H.R. 3887 inappropriately removes law enforcement from the initial identification process for child victims. This would harm DOJ's ability to ensure the safety of the victims and their families, rescue additional victims, and apprehend the traffickers in order to prevent future victimization.
- H.R. 3887 would allow trafficking victims to stay in the United States pending resolution of a civil suit they filed against the traffickers who had victimized them. DOJ is concerned that such a provision would place control over immigration status in the hands of the private parties to the civil suit.
- H.R. 3887 inappropriately minimizes the role of the Attorney General in ensuring the effective investigation and prosecution of cases, guaranteeing that victims are safe and secure, and providing immigration relief to victims. DOJ is concerned that disrupting existing lines of authority will unintentionally inhibit DOJ's ability to effectively combat trafficking in persons.
- H.R. 3887 inappropriately undermines the Department's model state law against trafficking.
 - Most states have had comprehensive laws criminalizing prostitution, pimping, pandering, and solicitation for decades. Before the Model Law, however, almost none had effective statutes to combat sex and labor trafficking. Thirty-three states have now passed comprehensive anti-trafficking laws, many based on the Model Law.
 - The Model Law was designed to supplement, not supplant, pre-existing state laws that target pimping, pandering, and other prostitution-related activity. And it was designed to ensure that cases involving fraud, force, coercion are not mislabeled as such offenses. There is no indication that it has compromised enforcement of pre-existing laws.
 - H.R. 3887 requires DOJ to write, publish, and help states enact laws similar to those in the bill itself, which DOJ believes are detrimental to effective law enforcement.